

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

WINDIE LONGMIRE

Plaintiff,

v.

PERSEUS BOOKS, LLC

Defendant.

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CASE NO. _____
JURY DEMANDED

COMPLAINT

COMES THE PLAINTIFF, **WINDIE LONGMIRE**, filing this
Complaint against **PERSEUS BOOKS, LLC**. She shows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, **WENDIE LONGMIRE**, is a citizen and resident of
Madison County, Tennessee.
2. Defendant, **PERSEUS BOOKS, LLC**, is a foreign corporation
(Delaware) operating in Madison County, Tennessee where it employed the
Plaintiff, at 193 Edwards Drive, Jackson, Tennessee 38301.
3. This Court has subject matter jurisdiction under 28 U.S.C. §1332

(diversity of citizenship) because the parties are “citizens” of different states and the amount in controversy exceeds \$75,000.

4. Venue in this Western District of Tennessee, Eastern Division, is proper pursuant to 28 U.S.C. 1391, because the Defendant was either doing business in this district or resides in this district, and a substantial part of the events or omissions giving rise to this action occurred in this district.

FACTUAL BASES FOR SUIT

5. In 2011, Defendant employed Plaintiff, age 26, in a position of scanning and marking books.

6. Plaintiff’s department manager, a white male in his thirties, engaged in verbal and physical “sexual harassment” of the Plaintiff. Specifically, verbally, this included constant sexual commentary ranging from the size of his penis, to sexual acts he enjoyed, to sexual comments about women, to comments about Plaintiff’s own physique. These comments occurred frequently—multiple times on a daily basis. Physically, the department manager rubbed his (clothed) genitals against Plaintiff, against her will, while holding on to her. These actions were offensive and unwelcome to Plaintiff.

7. Upon information and belief, Defendant does have anti-harassment policies which at least purport to take a strong stance against

sexual harassment. However, these paper policies were woefully ineffective at preventing sexual harassment by the department manager.

8. In fact, the department manager threatened that if he were reported for sexual harassment that Perseus' lawyers would take his side, sue Plaintiff for slander, and that Plaintiff would forever regret it. Plaintiff, being 26 and a mother of two, earning only \$8.25 per hour, could not afford to defend any such lawsuit—however false such lawsuit may have been.

9. As a result of its own manager's conduct, Defendant cannot bear its substantial burden of proving an affirmative defense which presupposes that Defendant took adequate *preventive* measures (which it did not) *and* that Plaintiff was unreasonable in failing to complain (which she was not, given the circumstances).

10. Facing either continued sexual harassment versus the real, credible threat for reporting (which did scare her), Plaintiff resigned her position in November of 2011. This resignation was not voluntary, but "involuntary," the product of the sexual harassment and threats.

11. Defendant's manager's sexual harassment took a severe mental toll upon Plaintiff, causing her anxiety, nightmares, worry, rumination, and fear. She seeks these damages along with lost wages and benefits. Per the THRA statute, she seeks her attorneys fees and her costs.

CAUSES OF ACTION

12. Plaintiff brings the following causes of action under Tennessee Code Ann. 4-21-101 et. seq. against Defendant:

A. **Vicarious Liability for the Sexual Harassment of its Manager.**

13. As damages and relief, Plaintiff requests reinstatement following removal of the sexual harasser, and/or front pay; back pay; compensation for the emotional harm suffered from the termination (anxiety, anger, worry, distress, etc.); her attorneys fees and costs.

14. Plaintiff demands a jury.

Respectfully submitted,

GILBERT RUSSELL McWHERTER PLC

/s Justin S. Gilbert
Justin S. Gilbert (TN Bar No. 017079)
Jonathan L. Bobbitt (TN Bar No. 023515)
101 North Highland
Jackson, TN 38301
Telephone: 731-664-1340
Facsimile: 731-664-1540
jbobbitt@gilbertfirm.com
jgilbert@gilbertfirm.com

ATTORNEYS FOR PLAINTIFF